

1 Thomas

2 than those facilities and Lenox Radiology,  
3 other than those, have you gone to any other  
4 doctor or clinic or hospital pertaining to your  
5 right arm --

6 A. No.

7 Q. -- and hand?

8 A. No. Never.

9 Q. Have you ever been involved in a  
10 lawsuit before this lawsuit?

11 A. No.

12 Q. Does your husband work or is he  
13 retired?

14 A. He's retired.

15 (Continued on next page to include  
16 jurat.)

17

18

19

20

21

22

23

24

25

1 Thomas

2 Q. What did he do?

3 A. He used to be fixing computers  
4 years ago and real estate, but now the real  
5 estate is not that good. He stays at home.  
6 He's seventy-five.

7 MR. WHITTON: Mrs. Thomas, thank  
8 you very much.

9 I have no further questions.

10 THE WITNESS: Thank you.

11 Thank you very much.

12 (Whereupon, at 12:03 P.M., the  
13 Examination of this Witness was  
14 concluded.)

15   
16 ANNA THOMAS

17

18 Subscribed and sworn to before me  
19 this 6th day of May, 2008.

20   
21 NOTARY PUBLIC

22 HENRY KONG  
Notary Public, State of New York  
Qualified in Nassau County  
No 01KO4988070  
23 Commission Expires Feb 10, 2010

24

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1

2

C E R T I F I C A T E

3

4 STATE OF NEW YORK )  
5 : SS.:  
6 COUNTY OF SUFFOLK )

6

7

8 I, LINDA ARSENICOS, a Notary Public for  
9 and within the State of New York, do hereby  
10 certify:

11 That the witness whose examination is  
12 hereinbefore set forth was duly sworn and that  
13 such examination is a true record of the  
14 testimony given by that witness.

15 I further certify that I am not related  
16 to any of the parties to this action by blood  
17 or by marriage and that I am in no way  
18 interested in the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set  
20 my hand this 8th day of April, 2008.

21

22

  
LINDA ARSENICOS

23

24

25

[illegible]

BSA

04/04/08

JMAS vs CIRCUIT CITY STORES WI

JS: ANNA THOMAS

Look-See(1)

**Look-See Concordance Report**

---  
 UNIQUE WORDS: **840**  
 TOTAL OCCURRENCES: **2,539**  
 NOISE WORDS: **384**  
 TOTAL WORDS IN FILE: **8,724**

---  
 SINGLE FILE CONCORDANCE

---  
 CASE SENSITIVE

---  
 INCLUDES ALL TEXT  
 OCCURRENCES

---  
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---  
 INCLUDES PURE NUMBERS

---  
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BSA

04/04/08 T

AS vs CIRCUIT CITY STORES WITNL

ANNA THOMAS

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1

2 SUPREME COURT OF THE STATE OF NEW YORK  
3 COUNTY OF QUEENS

-----X

4 ANNA THOMAS,

5

PLAINTIFF,

6

-against-

Index No.: 20767/07

7

CIRCUIT CITY STORES, INC., AND "JOHN DOES,"  
8 SAID NAMES BEING FICTITIOUS AND INTENDED TO  
9 REPRESENT EMPLOYEES OF THE DEFENDANT,

10

DEFENDANTS.

-----X

11 DATE: August 27, 2008

12 TIME: 10:15 A.M.

13

14

EXAMINATION BEFORE TRIAL of the

15

Defendant, by a witness: JOSEPHINE TRAPANI,

16

taken by the Plaintiff, pursuant to a Court

17

Order, held at the Law Offices of Shaevitz &

18

Shaevitz, Esqs., 148-55 Hillside Avenue,

19

Jamaica, New York, before a Notary Public of

20

the State of New York.

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23

24

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2 A P P E A R A N C E S:

3

4 SHAEVITZ & SHAEVITZ, ESQS.  
Attorneys for the Plaintiff  
5 148-55 Hillside Avenue  
Jamaica, New York 11435  
6 BY: STUART SEARS, ESQ.

7

8

RENDE, RYAN & DOWNES, LLP  
9 Attorneys for the Defendants  
202 Mamaroneck Avenue  
10 White Plains, New York 10601  
BY: CHRISTOPHER WHITTON, ESQ.  
11 File #: S-125-CW

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**221. UNIFORM RULES  
FOR THE CONDUCT OF DEPOSITIONS**

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**221.1 Objections at Depositions**

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**(a) Objections in general.**

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No objections shall be made at a deposition except those which, pursuant to subdivision (b), (c) or (d) of Rule 3115 of the Civil Practice Law and Rules, would be waived if not interposed, and except in compliance with subdivision (e) of such rule. All objections made at a deposition shall be noted by the officer before whom the deposition is taken, and the answer shall be given and the deposition shall proceed subject to the objections and to the right of a person to apply for appropriate relief pursuant to Article 31 of the CPLR.

**(b) Speaking objections restricted.**

Every objection raised during a deposition shall be stated succinctly and framed so as not to suggest an answer to the deponent and, at the request of the questioning attorney, shall include a clear statement as to any defect in form or other basis of error or irregularity. Except to the extent permitted by CPLR Rule 3115 or by this rule, during the course of the examination persons in attendance shall not make statements or comments that interfere with the questioning.

**221.2 Refusal to answer when objection is made.**

A deponent shall answer all questions at a deposition, except (i) to preserve a privilege or right of confidentiality, (ii) to enforce a limitation set forth in an order of the court, or (iii) when the question is plainly improper and would, if answered, cause significant prejudice to any person. An attorney shall not direct a deponent not to answer except as provided in CPLR Rule 3115 or this subdivision. Any refusal to answer or direction not to answer shall be accompanied by a succinct and clear statement of the basis therefor. If the deponent does not answer a question, the examining party shall have the right to complete the remainder of the deposition.

221. UNIFORM RULES FOR THE  
CONDUCT OF DEPOSITIONS

221.3 Communication with the deponent

An attorney shall not interrupt the deposition for the purpose of communicating with the deponent unless all parties consent or the communication is made for the purpose of determining whether the question should not be answered on the grounds set forth in section 221.2 of these rules and, in such event, the reason for the communication shall be stated for the record succinctly and clearly.

IT IS FURTHER STIPULATED AND AGREED that the transcript may be signed before any Notary Public with the same force and effect as if signed before a clerk or a Judge of the court.

IT IS FURTHER STIPULATED AND AGREED that the examination before trial may be utilized for all purposes as provided by the CPLR.

IT IS FURTHER STIPULATED AND AGREED that all rights provided to all parties by the CPLR cannot be deemed waived and the appropriate sections of the CPLR shall be controlling with respect hereto.

IT IS FURTHER STIPULATED AND AGREED by and between the attorneys for the respective parties hereto that a copy of this examination shall be furnished, without charge, to the attorneys representing the witness testifying herein.



1

2 J O S E P H E I N E T R A P A N I, called  
3 as a witness, having been first duly sworn  
4 by a Notary Public of the State of New York,  
5 was examined and testified as follows:

6 EXAMINATION BY

7 MR. SEARS:

8 Q. Please state your name for the  
9 record.

10 A. Josephine Trapani.

11 Q. Where do you reside?

12 A. 89-23 63rd Avenue, Rego Park,  
13 New York 11374.

14 Q. Good morning, Ms. Trapani.

15 A. Good morning.

16 Q. My name is Stuart Sears. I'm  
17 from the law offices of Shaevitz & Shaevitz,  
18 who represent a plaintiff named Anna Thomas  
19 involving an alleged incident that occurred  
20 back on December 28, 2006. I'm going to ask  
21 that you answer verbally so the reporter can  
22 take it down rather than gesturing. If you  
23 don't understand the question that I'm  
24 saying, say so and I will try to rephrase  
25 it. At any time you want to take a break

1 TRAPANI

2 let your attorney know we will do so at your  
3 convenience.

4 A. Okay.

5 Q. How long have you resided at the  
6 address that you previous gave us?

7 A. All of my life.

8 Q. Who do you presently reside  
9 there with?

10 A. Excuse me?

11 Q. Who do you live with?

12 A. My mother and brothers.

13 Q. Back on December 28, 2006 you  
14 resided at the same address?

15 A. Yes.

16 Q. What is your date of birth?

17 A. 1/31/64.

18 Q. Are you presently employed?

19 A. Yes.

20 Q. By whom?

21 A. T-Mobile.

22 Q. Where is T-Mobile located?

23 A. Right now I'm between stores.

24 Q. What store are you working at  
25 now?

1 TRAPANI

2 A. Five Towns in Rosedale.

3 Q. What do you do presently for  
4 T-Mobile?

5 A. I'm in training.

6 Q. Training to do what?

7 A. Retail store manager.

8 Q. Have you held any other  
9 positions with T-Mobile?

10 A. No.

11 Q. Prior to T-Mobile, where was  
12 your last employment?

13 A. Circuit City.

14 Q. When did you start working for  
15 Circuit City?

16 A. 1999.

17 Q. Was there a specific location  
18 you started working in 1999?

19 A. The Rego Park location.

20 Q. Is that the location located at  
21 9605 Queens Boulevard?

22 A. Yes.

23 Q. When you were hired by Circuit  
24 City, what was your position in 1999?

25 A. Customer service associate.

1 TRAPANI

2 Q. How long all together did you  
3 work at Circuit City?

4 A. About nine years.

5 Q. Until approximately this year?

6 A. Yes.

7 Q. When did you stop working for  
8 them, January of '08, February, something  
9 else?

10 A. June of '08.

11 Q. Your whole time in Circuit City,  
12 was it at that specific location?

13 A. No.

14 Q. Many stores?

15 A. Yes.

16 Q. Back in December of '06, were  
17 you working at the Rego Park store?

18 A. Yes.

19 Q. Were there any other stores that  
20 you were working at in December of '06?

21 A. Not that I remember.

22 Q. Did you hold any other  
23 employment other than Circuit City on  
24 December 28, 2006?

25 A. No.

1 TRAPANI

2 Q. Was it a full-time position?

3 A. Yes.

4 Q. If you could just explain what  
5 your duties were as a customer service  
6 associate back in December of '06?

7 MR. WHITTON: Note my  
8 objection. At that time it was not her  
9 title.

10 Q. When you were hired as a  
11 customer service associate in 1999, did you  
12 then have other positions with that company?

13 A. Yes.

14 Q. What other positions, what was  
15 the next position that you held?

16 A. Customer service manager.

17 Q. When was that?

18 A. That was about a year and a half  
19 after.

20 Q. After that, did you hold any  
21 other position?

22 A. Operations manager.

23 Q. After that, did you hold any  
24 other positions with them?

25 A. No.